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4 UNITED STATES DISTRICT COURT  
5 WESTERN DISTRICT OF WASHINGTON  
6 AT SEATTLE

7 FRANK SPOSARO,

8 Plaintiff,

9 v.  
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11 NEW JERSEY MANUFACTURERS  
12 INSURANCE COMPANY, a foreign insurer,  
13 and STATE FARM MUTUAL  
14 AUTOMOBILE INSURANCE COMPANY, a  
foreign insurer,

15 Defendants.

Case No. C18-953RSM

ORDER DENYING STATE FARM'S  
MOTION TO REOPEN DISCOVERY

16 This matter comes before the Court on Defendant State Farm's Motion to Extend  
17 Discovery Cutoff. Dkt. #28. The discovery motions deadline passed on January 4, 2019, and  
18 the discovery cutoff passed on February 4, 2019. Dkt. #12.

19 State Farm asks the Court to extend the discovery cutoff to February 28, 2019, so that it  
20 can depose the Plaintiff. Dkt. #28. Because the cutoff has passed, this is really a motion to  
21 reopen discovery. The stated basis for this request is, essentially, that State Farm's counsel  
22 Scott Wakefield was busy with trial in another matter and mistakenly believed that the parties  
23 in this matter had obtained a Court order extending discovery after filing a stipulated motion.  
24 *Id.* The Court in fact denied that stipulated motion the day it was filed, finding it lacked any  
25 explanation, evidence, or argument supporting the request. Dkt. #26. Over a month passed  
26 after the Court denied that stipulated motion before the instant motion was filed.  
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1 Federal Rule of Civil Procedure 16(b)(4) states that a schedule may be modified only  
2 for good cause and with the judge's consent. This Court's Local Rules state:

3 The parties are bound by the dates specified in the scheduling  
4 order. A schedule may be modified only for good cause and with  
5 the judge's consent. Mere failure to complete discovery within the  
6 time allowed does not constitute good cause for an extension or  
7 continuance.

8 LCR 16(b)(5).

9 State Farm has failed to convince the Court that there was some good cause justification  
10 for Mr. Wakefield's inability to adequately and responsibly monitor the docket in this case.  
11 State Farm makes no mention of its *other* counsel, Daniel Kirkpatrick, who was apparently not  
12 tied down in the other trial. The Court is forced to conclude that State Farm merely failed to  
13 complete discovery within the time allowed. This is not a valid basis to modify a scheduling  
14 order. LCR 16(b)(5). Even if all the parties were to stipulate to reopening discovery today, the  
15 Court would deny such a stipulation if it failed to demonstrate good cause. *See* Dkt. #26.

16 Having reviewed the relevant briefing and the remainder of the record, the Court hereby  
17 finds and ORDERS that Defendant State Farm's Motion to Extend Discovery Cutoff, Dkt. #28,  
18 is DENIED.  
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21 DATED this 20 day of February 2019.

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24 RICARDO S. MARTINEZ  
25 CHIEF UNITED STATES DISTRICT JUDGE  
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